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SAN JOSE FOR ENVIRONMENTAL HUB

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TAGS: [SENV](#) [KICR](#) [ECON](#) [EFIS](#) [DR](#)
SUBJECT: STRENGTHENED ENVIRONMENTAL MINISTRY SAYS IT WILL
PUT END TO TRADE IN ARTISAN CRAFTS MADE FROM TURTLE SHELLS

REF: 07 SAN JOSE 2834

¶1. (U) SUMMARY: On October 16, Environmental Minister Jaime David Fernandez Mirabal issued a warning to artisan craft merchants that the GODR will begin confiscating items made from components of endangered marine turtle species on November 3. The sale of these products has been illegal in the Dominican Republic since 2000, however the law has not been enforced until now. In 2007, Humane Society International (HSI) filed a complaint against the DR with the Secretariat for Environmental Matters under CAFTA-DR regarding the sale of turtle products. This crack-down is one of a series of actions taken by the new Minister since he came into office in August that appear to signal a strong commitment to enforcing environmental laws and increasing environmental protection. END SUMMARY

¶2. (U) On October 16, Secretary of State of the Environment and Natural Resources (SEMARENA) Jaime David Fernandez Mirabal issued a warning to artisan craft merchants that the GoDR will begin confiscating items made from components of endangered marine turtle species on November 3. The confiscations will be carried out by the Ministry's Office of Protected Areas and Biodiversity in conjunction with the Special Prosecutor for the Defense of the Environment and Natural Resources and the National Environmental Protection Service (SENPA). The catch, consumption and use of these animals in crafts has been illegal in the Dominican Republic since 2000, per the General Environmental Law (Law 64-00) of 2000; nonetheless, the practices have continued with little abatement since that time. Artisan craft products made from turtle shells are popular among tourists, even though the international transport thereof has been prohibited since the Dominican Republic signed the Convention on International Trade in Endangered Species (CITES) in 1987.

¶3. (U) In 2007, HSI filed a complaint under Chapter 17 of CAFTA-DR against the GoDR for failing to adequately enforce the Dominican Environmental Law 64-00 as well as Decree 752-01. Article 140 of Law 64-00 establishes that "it is prohibited to hunt, fish, capture, mistreat, kill, traffic, import, export, sell, manufacture or produce traditional handicrafts, as well as exhibit and illegally possess(species of flora and fauna that are found to be threatened or endangered by the Government of the Dominican Republic or any other country in accordance with international treaties signed by the Dominican Republic." Decree 752-01, issued in 2001, established a 10-year ban on the capture, killing, collection of eggs and sale of products derived from green, hawksbill, loggerhead, and leatherback turtles.

¶4. (U) SEMARENA official Rosa Otero told EconOff that she is confident that the November 3 deadline will be enforced, noting that Fernandez Mirabal has the political weight and

will to effectively enforce all aspects of Law 64-00. She said that, while it will be a challenge to completely eliminate the sale and consumption of endangered turtle byproducts, preventing the sale of the goods on the open market will greatly reduce the total sales. Otero noted that while the HSI complaint under CAFTA-DR likely helped prioritize the turtle issue, she believes that the Ministry's order to cease sale of turtle products would have come regardless. She also noted that there were "hurt feelings" in the Office of Protected Areas and Biodiversity, which handles CITES enforcement, after HSI filed the complaint before the Secretariat for Environmental Matters. "If I asked you to help me fix up my house, and you came and helped me, I wouldn't like it if you went out and told everyone that my house is a disaster," she told EconOff. Otero said that while she viewed the HSI complaint as an opportunity to gain public support for the Ministry's efforts, some in the Office of Protected Areas and Biodiversity were taken aback by the adversarial nature of HSI's approach.

15. (SBU) Nonetheless, she assured EconOff that recent problems that HSI and World Wildlife Foundation (WWF) have had with scheduling CITES workshops with the Ministry are a result of reorganization in the Office of Protected Areas and Biodiversity in the wake of the personnel changes that followed President Fernandez' reelection, and not a response to the turtle complaint. She said she was confident the organizations would be able to hold the workshops by the end of the year, noting that Undersecretary for Protected Areas and Biodiversity Eleuterio Martinez "is a true environmentalist" who cares deeply about CITES and the health of marine turtle populations.

"New broom sweeps best"

16. (U) Fernandez Mirabal's declaration on turtle sales is part of a series of measures that indicate the Ministry is prepared to enforce compliance with the Dominican Republic's oft-ignored environmental regulations. Since Fernandez Mirabal took office in August, he has taken on politically sensitive issues with an uncompromising disposition. On October 20, the Ministry began to evict mining operators known locally as "granceras" that extract aggregate construction materials from lands within 150 meters of riverbeds, sending heavily armed environmental police officers to occupy the excavation sites. Although this decision is simply the enforcement of Resolution 16-07, issued under former Minister Max Puig in August 2007, Fernandez Mirabal's unbending insistence to push out the granceras shows a political will that neither Puig nor his successor, Omar Ramirez Tejada, who twice postponed enforcement of the resolution, ever mustered.

17. (U) In addition, Fernandez Mirabal's Ministry bulldozed two 16-room hotels under construction on Isla Saona, part of the Del Este National Park, which violated Law 64-00. The Minister also announced plans to dismantle farmsteads within the boundaries of the Los Haitises National Park before the next planting season "whoever the owners may be", Hoy newspaper reported. On October 19, the Ministry announced it had confiscated 12 kilometers of barbed-wire fencing in Los Haitises and seven bags of illegal charcoal. The press has reported broadly on the Ministry's recent actions. The granceras drama dominated the front page for close to one week. For the most part, press reaction has favored Fernandez Mirabal's actions; El Caribe lauded him by referring to the Spanish saying, "New broom sweeps best."

18. (U) Fernandez Mirabal served as Vice President in Leonel Fernandez's first administration and remains a strong figure within the Dominican Liberation Party (PLD). While Vice President, and during his previous six years in the Senate, he often spoke out for environmental protection. As Vice President, he also established the Quisqueya Verde

reforestation program even though it did not fall within his portfolio. He is from the famous Mirabal family, the son of the sole surviving sister whose story of rebellion and martyrdom during the Rafael Trujillo dictatorship was immortalized in Dominican lore and subsequently in the bestselling book by Dominican-American author Julia Alvarez. The former senator from Salcedo created an awkward situation for President Fernandez in August when he initially refused the environmental post, holding out for days before finally accepting the appointment. Environmental proponents say they hope the new Minister's clout and his rooted support for environmental protection will help strengthen environmental laws and their enforcement in the country.

19. (SBU) COMMENT: Although he at first resisted the assignment as Environmental Minister, Fernandez Mirabal has not taken his role lightly. Rather, he has shown a commitment to play hardball with environmental violators in a country where merchants and industrialists have typically relied on lax enforcement of these statutes. Post is working closely with the Ministry to implement Chapter 17 of CAFTA-DR and to strengthen the institutional capacity of the Ministry. We are also working on efforts to create public awareness of the illegal trade in turtle products which received a significant boost from this announcement. END COMMENT.
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